



New Mexico Judiciary

UNIFIED BUDGET FY15

Cover: A few of New Mexico's older county courthouses.

Top, left to right:

One of the WPA projects of the 30s, the Art Deco-style Roosevelt County Courthouse in Portales was built in 1939 with the designs of William M. Bickel.

The Luna County Courthouse in Deming was built in 1910 and was designed by W. E. Corwin.

Built in 1909, the Union County Courthouse in Clayton is New Mexico's oldest county courthouse in continuous use. It was designed by the architectural firm of D. P. Kaufman & Son.

Middle, left to right:

The Grant County Courthouse in Silver City was erected in 1930 with the designs of architect George Williamson.

The Chaves County Beaux-Arts-style courthouse in Roswell was completed in 1912, the year New Mexico became a state.

The Mission-style Eddy County courthouse in Carlsbad was erected in 1891 and its appearance was altered to its current style in 1939.

Bottom, left to right:

The Hidalgo County Courthouse in Lordsburg was built in 1926-1927 with Classical Revival elements. The firm of Thorman and Frazer designed it.

The Guadalupe County Courthouse in Santa Rosa was built in 1909 with Romanesque Revival elements. In 1946 an addition was added to the building's left.

The 1917 Rio Arriba County Courthouse in Tierra Amarilla hosted a shoot-out in the 1970s that resulted over a land rights quarrel.

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CHAMBERS OF
Petra Jimenez Maes
CHIEF JUSTICE

Supreme Court of New Mexico

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Dear Governor Martinez and Members of the New Mexico Legislature,

On behalf of the New Mexico Judiciary, I am pleased to present to you our FY 2015 unified budget. **This budget is reasonable, efficient, and needed.**

In reviewing our budget there are two things to keep in mind. First, based upon your feedback, **everything we are requesting is in this budget book** (increase to our general fund, capital, supplemental and special appropriations, and legislation). Second, **the Judiciary's unified budget is the result of a rigorous and stringent internal process.** The process began with each judicial entity presenting its proposed budget during two full days of hearings in August to our budget committee, which includes judges from district and magistrate courts and court executive officers. The committee made recommendations to the Chief Judges Council who, after vigorous debate, made recommendations to the Supreme Court. The Court carefully reviewed, edited, and set the budget.

This process has resulted in a reasonable budget which meets our most pressing needs:

- Improved funding for basic court operations
- Progress towards adequate judicial salaries
- Five new civil judgeships, and
- Increased funding for problem solving courts.

We are requesting a general fund increase of \$10,845,200 which includes \$1,822,800 to cover PERA and General Services Department rate increases. Our total requested general fund appropriation is \$158,676,900 or 2.55% of projected total state spending for FY15.

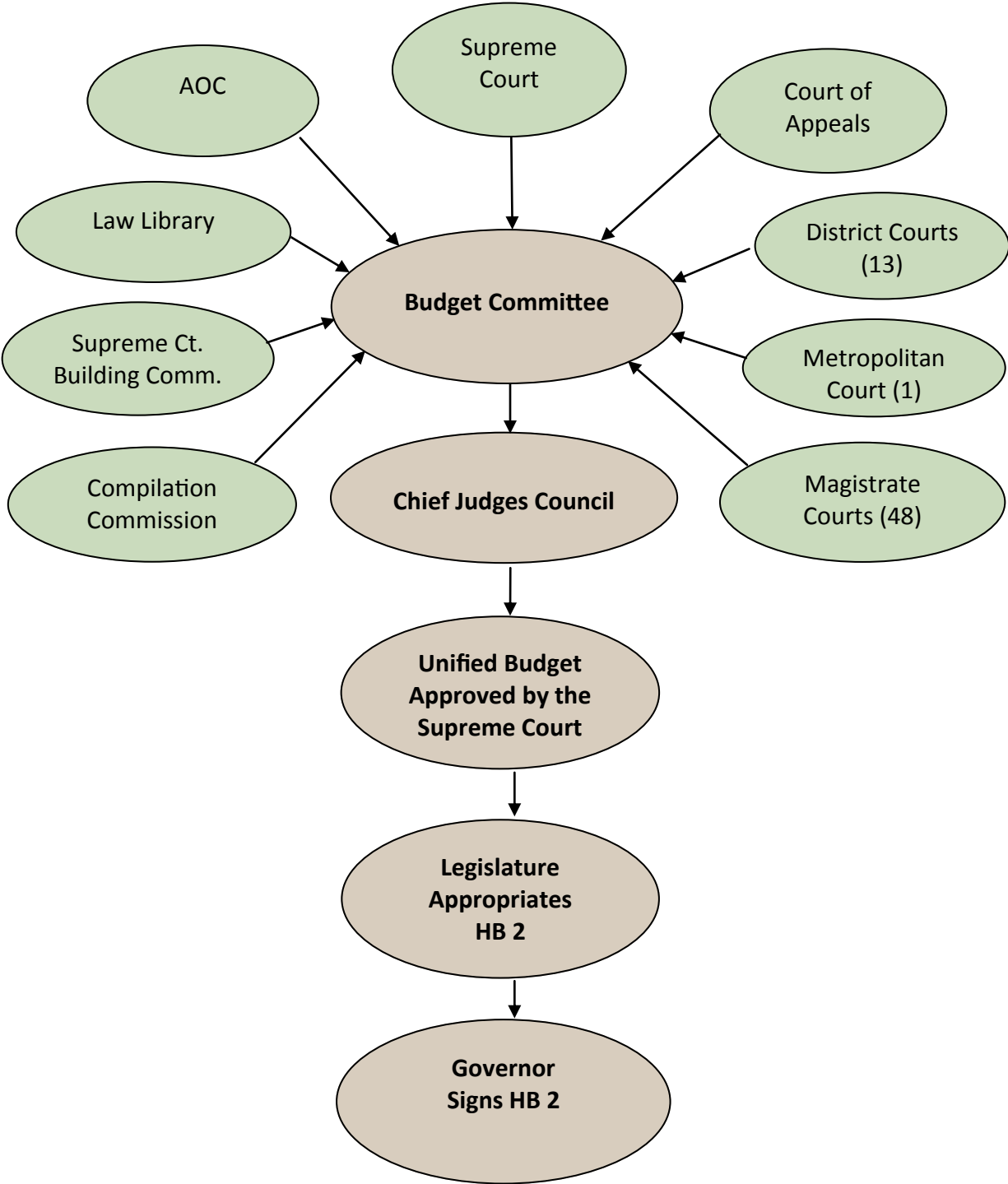
Strong and healthy courts are essential to New Mexico's economic well-being. We look forward to working with you to address our most pressing needs.

Sincerely,

A handwritten signature in cursive script, reading "Petra Jimenez Maes".

The Honorable Petra Jimenez Maes
Chief Justice of the New Mexico Supreme Court

JUDICIARY BUDGETING PROCESS



SUMMARY – JUDICIARY BUDGET REQUESTS FY 2015

Budget Items	Increase FY 2015	Running Total	Running % Increase
Base Budgets	\$4,864,100	\$4,864,100	3.29%
Judicial Compensation (5%)	\$1,171,000	\$6,035,100	4.08%
New Judgeships (5)	\$1,487,300	\$7,522,400	5.09%
Drug Courts (Problem-Solving)	\$1,500,000	\$9,022,400	6.10%
PERA (.40% and rate increases)	\$1,822,800	\$10,845,200	7.33%

ADEQUATE BASE BUDGET FUNDING

The Judiciary's highest priority is to improve funding for basic court operations. Requested increased funding in court base budgets is \$3,342,200 or +3.2% above FY 2014.

- Repair diminished operational budgets
- Allow courts to improve staffing levels while maintaining a reasonable number of vacancies
- New FTEs

Requested increases for the AOC total \$2,416,400 or +5.57% above FY 2014.

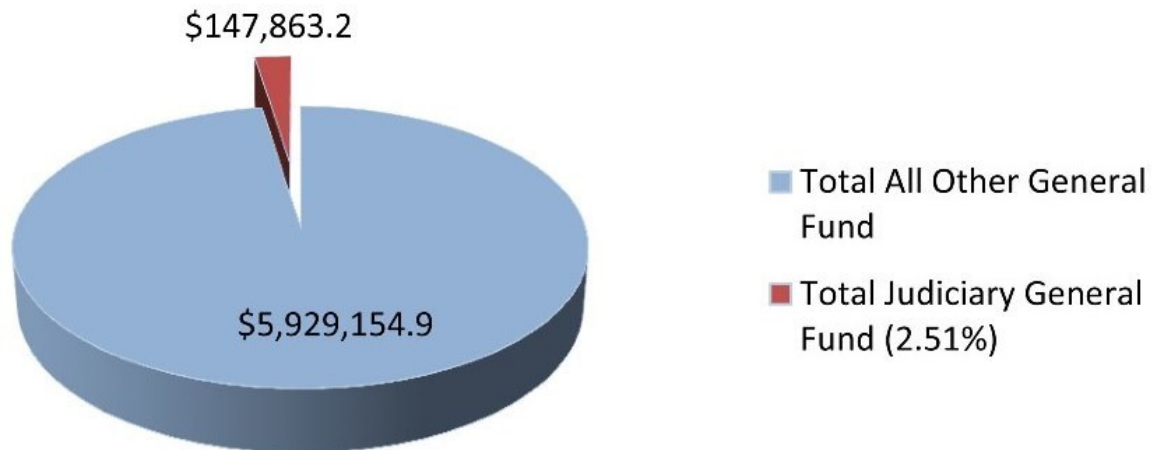
More than 78% of the AOC total is in four areas:

- Magistrate court leases (\$780,000)
- Jury & Witness Fund (\$480,400)
- Filling critical positions in technology (\$388,600) and
- Increasing funding for Court Appointed Attorneys to represent children in abuse and neglect cases (\$237,000).

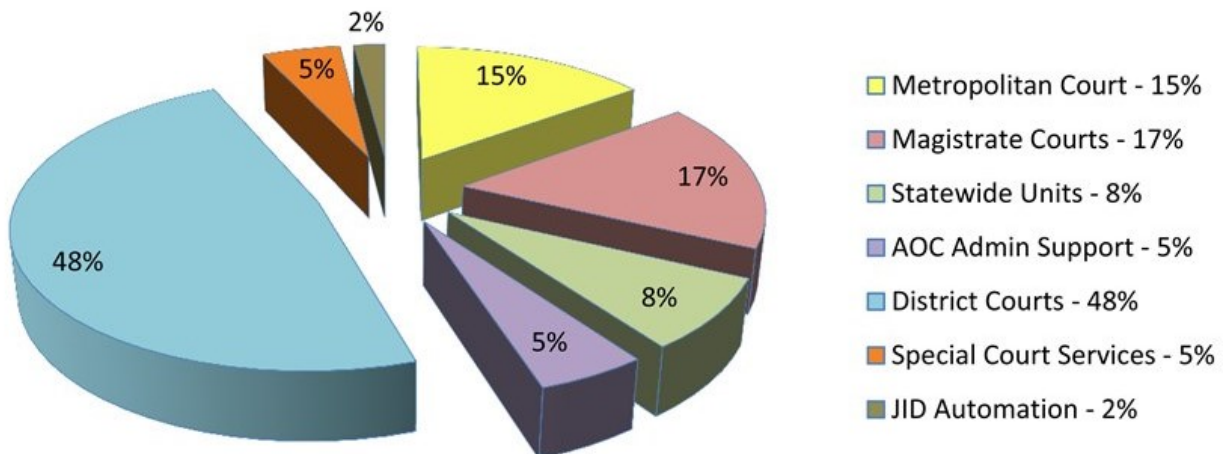
Program Expansions and FTE By Judicial Entity For FY 2015

Judicial Unit	No/GF Impact	Final FTE	Type	Cost
AOC Jury	NGFI	1.0	Sign Language program manager -PERM	0.0
AOC Jury	NGFI	1.0	NMCLA Program Manager - PERM	0.0
AOC Magistrate Drug Court	NGFI	1.0	Change DWI coordinator - TERM to PERM	0.0
AOC Magistrate Court Mediation	NGFI	1.0	Authorize Magistrate Mediation Coordinator - TERM	0.0
6th Judicial District	NGFI	1.5	Reclassify one (0.5) current P/T TERM position to a P/T PERM position (Administrative Assistant) & reclassify one (1.0) current F/T T180 position to a F/T PERM position (surveillance officer)	0.0
9th Judicial District	NGFI	0.2	Bailiff - currently filled at 0.8 will increase to 1.0 FTE PERM	0.0
Subtotal FTE NGFI		5.7	Subtotal Costs	0.0
Supreme Court	GF	1.0	Attorney General Counsel - PERM	50.0
AOC Jury	GF	1.0	Financial Specialist to assist with Interpreters - PERM	60.0
AOC Statewide Automation Program	GF	3.0	IT Specialists - PERM	336.0
1st Judicial District	GF	2.0	Jury Clerks (Court Clerk 2s)	69.9
1st Judicial District	GF	0.5	Attorney Senior (take existing .5 FTE to 1.0)	67.3
2nd Judicial District Elder Court	GF		Program Elder Court Expansion (no FTEs)	245.0
8th Judicial District	GF	1.0	Bailiff - PERM	20.0
10th Judicial District	GF	0.5	Financial Specialist - convert existing 0.5 FTE bailiff to a financial specialist 0.5 FTE - PERM	48.7
Subtotal FTE GF		9.0	Subtotal costs	896.9
1st Judicial District	GF	3.5	District Court Judge - PERM	352.5
2nd Judicial District	GF	4.0	District Court Judge - PERM	367.3
5th Judicial District	GF	2.0	District Court Judge - PERM	234.4
13th Judicial District	GF	5.0	District Court Judge - PERM	415.7
AOC Magistrate Court	GF	1.0	Magistrate Court Judge - PERM	117.4
Subtotal Judgeships		15.5	Subtotal Judgeships	1,487.3
Total		30.2	Total General Fund	2,384.2

**FY 2014 General Fund Appropriation
Distribution (in thousands)**



**FY 2014 OpBud General Fund Appropriation
Distribution Percentages**



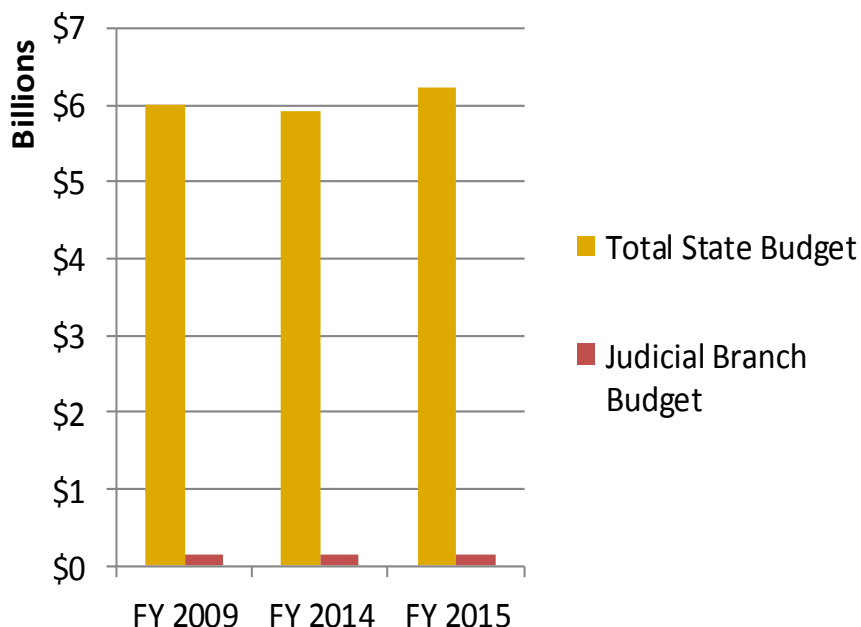
Note: Statewide Units include Supreme Court, Court of Appeals, Law Library, Supreme Court Building Commission, and Compilation Commission.

Judiciary Appropriations Are A Smaller Part of Overall State Spending From FY 2009 To FY 2014

Since FY 2009 the courts have received a decreasing portion of state appropriations. Between FY 2009 and FY 2014 the overall State budget has been reduced by 1.3% while the Judiciary's budget has been reduced by 3.8%.

The total general fund request by the Judiciary for FY 2015 is \$158.6 million. If the Legislature appropriates the new revenue of \$296 million, overall state general fund spending in FY 2015 will be \$6.225 billion. The Judiciary request is only 2.55% of overall spending. This would remain below the share of overall spending appropriated to the Judiciary in FY 2009, FY 2010, and FY 2011.

FY 2009	Total state budget	\$6 billion (\$6,005,964,500)
	Judiciary general fund appropriation	\$154.6 million
	Judiciary % of total state spending	2.57%
FY 2014	Total state budget	\$5.9 billion (\$5,929,154,900)
	Judiciary general fund appropriation	\$148.7 million
	Judiciary % of total state spending	2.51%
FY 2015	Judiciary request	\$158,676,900
	Projected state spending	\$6,225,154,900 (FY 2014 plus \$296 million)
	Judiciary % of total state spending	2.55%



PROGRESS TOWARD ADEQUATE JUDICIAL SALARIES

Judge salaries should increase 5% at a cost of \$1,171,000.

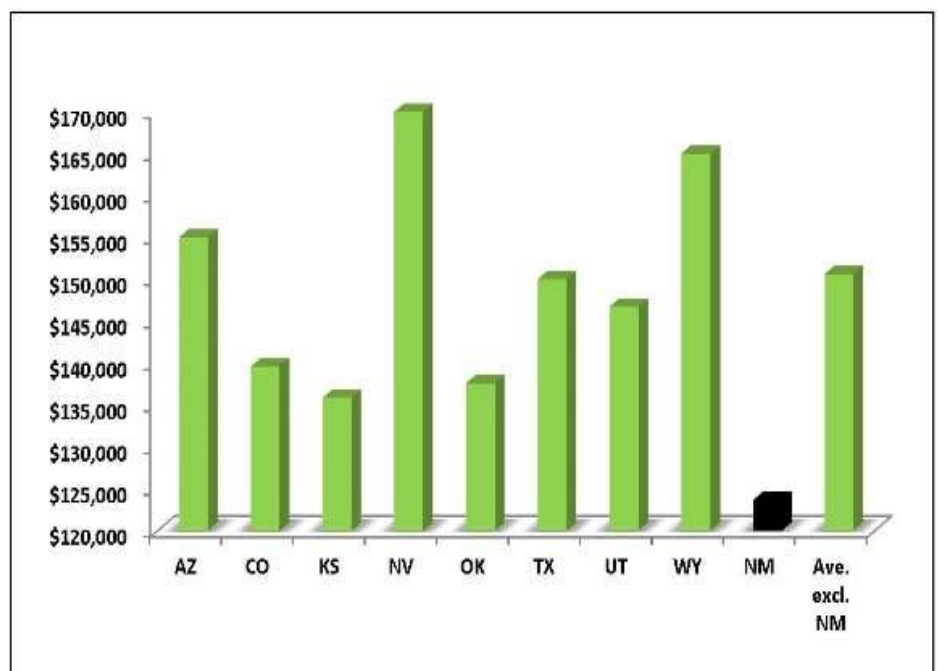
The Judicial Compensation Commission (JCC), created by the Legislature with members appointed by the Governor and Legislature and with no judges among its members, recommends increasing judicial salaries by more than 11%. This would raise the salary of a Supreme Court Justice from \$124,927 to \$137,655.

Comparing the salary of a New Mexico Supreme Court Justice to New Mexico state and local officials shows pay is low for judges. A similar conclusion results from comparing salaries here to those in nearby states. This is especially true when comparing the \$112,747 salary of a New Mexico District Court Judge, which ranks last in the nation, 51 out of 51.

The Judiciary takes a more modest approach, seeking an increase of 5% to bring a Justice salary to \$131,175. A 5% increase in Justice pay results in a similar 5% increase in all judges' pay by a statutory formula.

Supreme Court Justice Salaries as of 1/1/2013 in Western Comparison States

Arizona	\$155,000
Colorado	\$139,660
Kansas	\$135,905
Nevada	\$170,000
Oklahoma	\$137,655
Texas	\$150,000
Utah	\$146,800
Wyoming	\$165,000
New Mexico	\$123,691
Average excluding New Mexico	\$150,627



**SALARY COMPARISONS FROM THE 2013
JUDICIAL COMPENSATION COMMISSION REPORT**

UNM University General Counsel	\$240,000
Dean, UNM School of Law	\$230,000
State Investment Council, Deputy Director	\$227,508
Military Affairs, Adjutant General	\$190,985
NMSU General Counsel	\$179,332
Santa Fe Public Schools Superintendent	\$171,000
City of Las Cruces, City Manager	\$166,260
County of Los Alamos, Utilities Manager	\$164,920
County of Santa Fe, County Manager	\$156,550
UNM Executive Assistant to President	\$155,000
Bernalillo County, County Attorney	\$150,000
PERA, Executive Director	\$143,892
City of Albuquerque, Chief Administrative Officer	\$143,355
County of Los Alamos, County Attorney	\$138,720
City of Farmington, City Manager	\$138,008
UNM Interim Deputy University Counsel	\$132,000
City of Las Cruces, Assistant City Manager	\$127,000
Executive Director, Spaceport Authority	\$126,250
<i>New Mexico Supreme Court Chief Justice</i>	<i>\$126,927</i>
<i>New Mexico Supreme Court Justice</i>	<i>\$124,927</i>
<i>New Mexico District Court Judge</i>	<i>\$112,747</i>

(Judicial salaries as of July 1, 2013)

CRITICAL NEW JUDGESHIPS

The new District Court Judges requested for FY 2015 will be assigned to civil cases, where the need is greatest. The total recurring cost for all five judgeships is \$1,487,279. Court districts are shown on the map that follows.

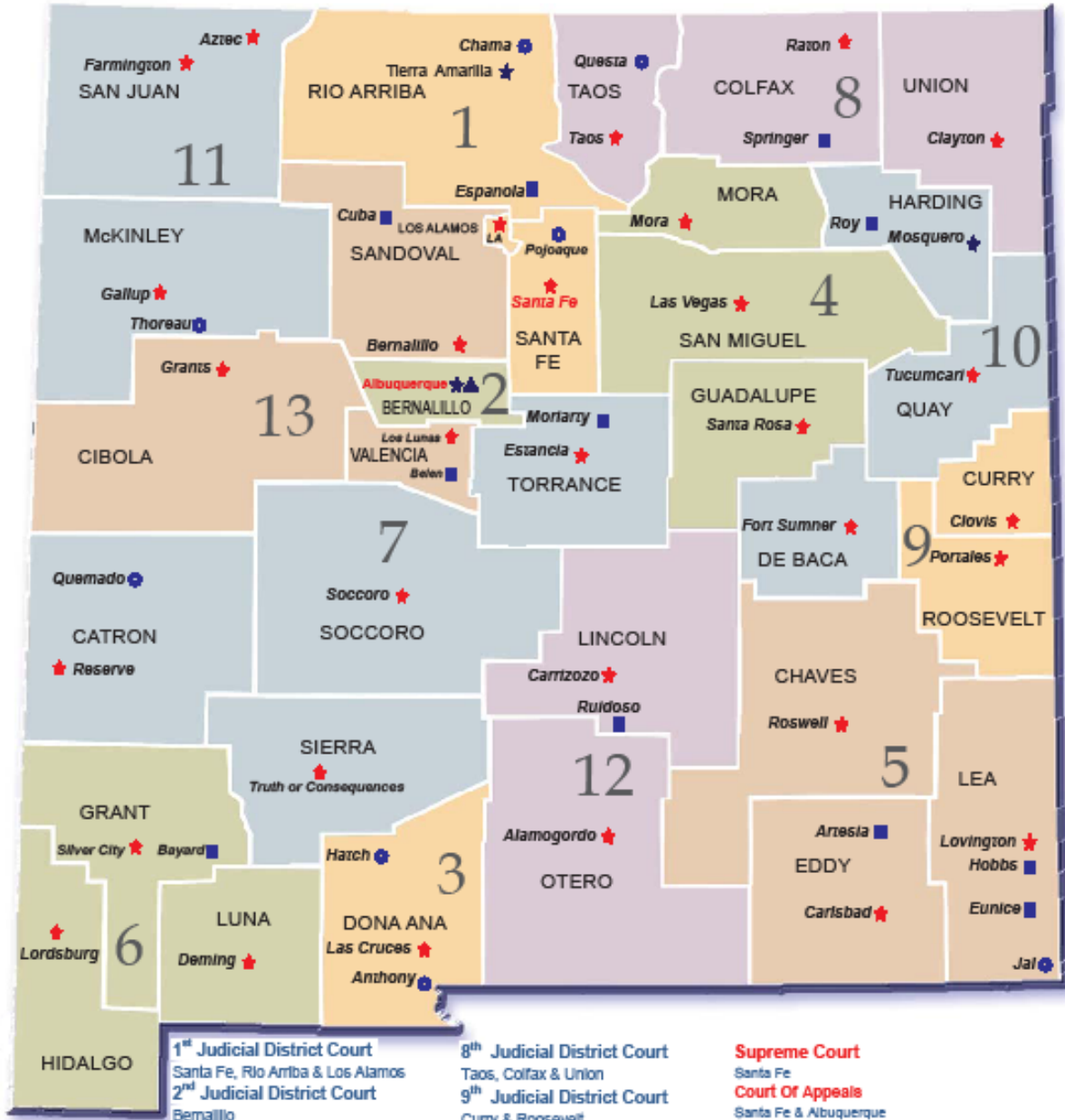
Location and costs of one new judge and related staff			
New Judge Location	Judge Need	Staff	Cost**
1st District (Santa Fe) (has 8 judges)	2.10 (1 new judge requested)	TCAA*, .5 Bailiff, Court Monitor	\$352,484
2nd District (Albuquerque) (has 26 judges)	5.14 (1 new judge requested)	TCAA, Bailiff, Court Reporter	\$367,274
5th District (Lovington, Lea County) (has 10 judges)	2.05 (1 new judge requested)	TCAA	\$234,391
13th District (Bernalillo, Sandoval County) (has 7 judges)	3.61 (1 new judge requested)	TCAA, Bailiff, Ct. Reporter, Ct. Clerk	\$415,670
Doña Ana County Magistrate (Las Cruces) (has 6 judges)	2.50 (1 new judge requested)	None	\$117,460

*TCAA is a Trial Court Administrative Assistant

**Each district and magistrate court judgeship also includes one-time costs (IT equipment, furniture, and supplies) of \$9,000.

- The Legislature funded a study that shows the **need for 18.1 judges** statewide based on actual case filings. The Supreme Court limited requests to courts that need to add at least 2 judges.
- A 2012 study of court funding cutbacks nationwide found: “Across all states, funding cutbacks will result in estimated losses of \$52.2 billion from increased uncertainty on the part of litigants. This figure does not include losses from declines in employment at state judiciaries, law firms, and the resulting declines in economic output, which will further inflate losses resulting from the funding cutbacks.” *Economic Impact of Reduced Judiciary Funding and Resulting Delays in State Civil Litigation*, Pearsall, Shippen and Weinstein (Micronomics, March 2012)

NEW MEXICO STATE COURTS



DRUG COURT FUNDING

The FY 2015 request is to increase problem-solving appropriations by \$1,500,000.

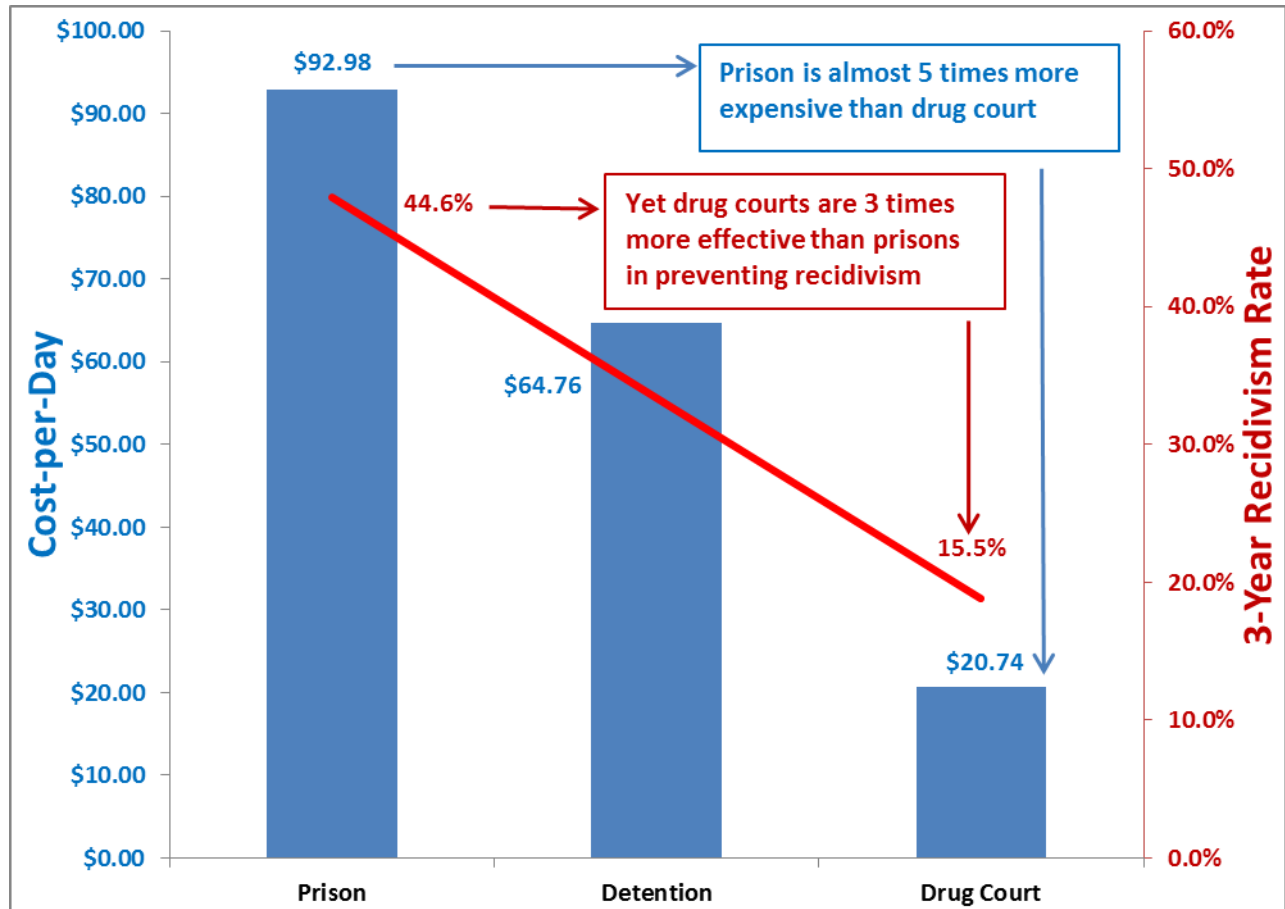
- This increase is consistent with the “3-Year Plan for Growth of New Mexico Problem-Solving Court Programs” adopted by the Supreme court in July 2013.
- This increase will leave problem-solving court funding lower than funding in FY 2009, by \$1 million.
- Problem-solving court funding cuts directly affect the number of participants who can be helped by the programs. New Mexico Drug Courts are currently working with 1,000 active participants (down from over 1,200 in FY 2009). They have worked with over 16,000 participants and have graduated over 7,900 participants since 1994.

There are 45 active drug courts in New Mexico (18 Adult/Felony, 16 Juvenile, 3 Family Dependency, and 8 DWI/Drug Courts). In addition, there are 5 Mental Health (or “Treatment”) Courts in New Mexico.

- Average NM Drug Court cost-per-client-per-day in FY 2013 was \$20.74.
- Average NM daily cost of incarceration (NMCD) is \$92.98 (daily detention at a county detention center costs \$64.76).
- Average NM Drug Court recidivism rate is 15.5% for three years post-program exit. (3-year reincarceration rate of NMCD is 44.6%.)
- Average NM Drug Court graduation rate in FY 2013 was 63.2%.
- Nationwide, for every \$1 invested in Drug Court, taxpayers save as much as \$3.36 in avoided criminal justice costs alone, and up to \$12 when including offset victimization and healthcare service utilization costs.

Drug Courts Are Almost 5 Times Less Expensive than Prison

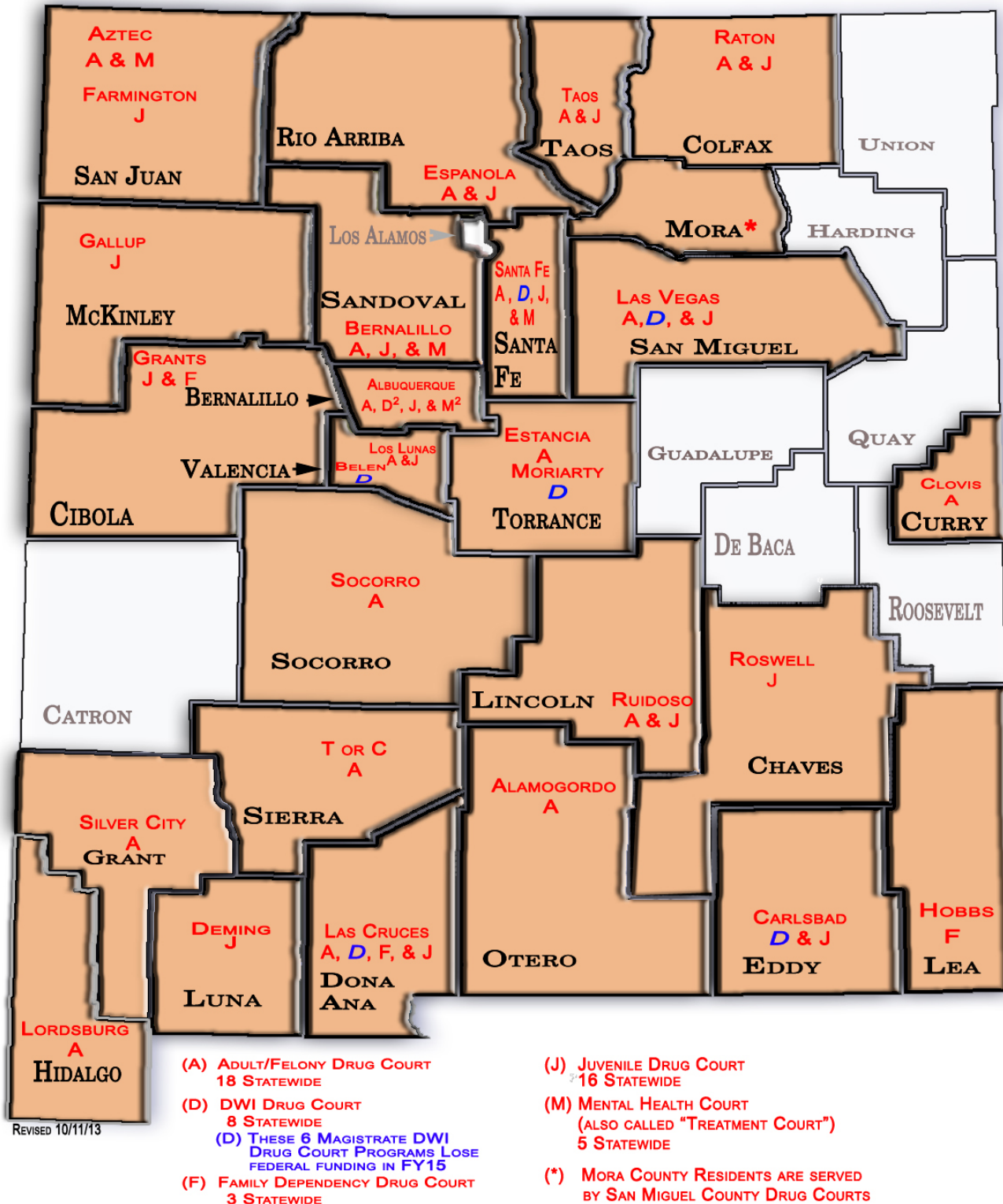
Yet 3 Times More Effective In Preventing Recidivism



Cost of detention is calculated by the New Mexico Sentencing Commission as part of the Detention Facility Reimbursement Act.

NEW MEXICO PROBLEM-SOLVING COURTS: DISTRICT, METROPOLITAN, AND MAGISTRATE

As of September 2013, 25 counties (tan-colored) have at least one drug court program, while only 8 (white-colored) do not yet.



LEGISLATION FOR 2014 LEGISLATIVE SESSION

New Judgeships	The Legislature funded a study showing the need for 18.1 judges statewide based on case filings from the previous fiscal year. The Supreme Court limited requests to courts that need to add at least 2 judges. New judgeships are sought in these districts: Second (Albuquerque), Thirteenth (Sandoval County), Fifth (Lovington), and First (Santa Fe), and in the Doña Ana Magistrate Court in Las Cruces. Total required funding is \$1,487,279, which is incorporated into the base budget requests of each of the five courts.
Magistrate Court Operations Fee Sunset Removal	Courts collect a \$4 fee when an offender commits a traffic offense. The fee funds magistrate court operations statewide. The fee has a sunset of May 31, 2014. Removing the sunset avoids the need to increase the general fund appropriation for these courts by more than \$500,000.
Solvency for Judicial Retirement Account (JRA)	Increases in contributions by judges, reduced annual service credit, suspension of the cost-of-living increase for retired judges, and an increase in the contribution rate by the State that matches the contribution increase from judges will bring this retirement fund from the current 55% funding level to 100% funding in less than 30 years. Without solvency action now, the JRA will continue to decline and the State faces the requirement to appropriate general funds of more than \$3 million every year once the JRA assets are exhausted, which is projected to occur in 2038.
Solvency for Magistrate Retirement Account (MRA)	Increases in contributions by judges, reduced annual service credit, suspension of the cost-of-living increase for retired judges, and an increase in the contribution rate by the State are proposed to bring this retirement fund from the current 57% funding level to 100% funding in less than 30 years. Without solvency action now, the State faces the requirement to appropriate general funds of more than \$2 million every year once the MRA assets are exhausted, which is projected to occur in 2034.
Metropolitan Court Bond Guarantee Fund (MCBGF) Distributions	The MCBGF accumulates assets from fines, not general funds, as an emergency source for payments on bonds issued to build the Bernalillo County Metropolitan Court. The primary source for bond payments is the Facility Fund, with revenues from court collections. Facility Fund collections have always been sufficient to meet the annual \$4.6 million bond payments. The MCBGF has assets of \$6 million that continue to accumulate. The MCBGF statute would be amended to annually distribute on July 1 to the AOC and TRD assets in the MCBGF that exceed the annual bond payment that is paid from the Facility Fund and guaranteed by the MCBGF. These funds would pay leases for magistrate courts and support DWI programs through the Transportation Safety Bureau of TRD.

FY 2015 JUDICIARY CAPITAL OUTLAY REQUESTS

Judicial Unit	Purpose	Amount Requested
Supreme Court Building Commission	Renovation & repairs to the Supreme Court building; has submitted agency ICIP	\$649.1
AOC—Statewide	Magistrate Court statewide security related projects	\$1,000.0
	High density file systems for Magistrate Courts statewide	\$500.0
	Sub Total	\$1,500.0
Second Judicial District	VOIP telephone system for entire court	\$250.0
	Evidence presentation system for 19 additional courtrooms	\$1,300.0
	Sub Total	\$1,550.0
Ninth Judicial District	Security enhancements to the Curry & Roosevelt County Judicial Complexes	\$75.0
	Jury Trial Technology—Curry County Courtroom	\$78.6
	Sub Total	\$153.6
Tenth Judicial District	Security enhancements to Court Clerk's area	\$200.0
Eleventh Judicial District	Counter re-design for security and ergonomic purposes and replacement of cubicles in Farmington and Gallup Clerk's Offices	\$190.0
Twelfth Judicial District	To furnish the expansion and renovation of the Lincoln County Courthouse	\$47.1
	To build offices in existing vacant space in the Otero County Courthouse	\$175.0
	Sub Total	\$222.1
Thirteenth Judicial District	Security equipment for Cibola County Courthouse	\$300.0
Bernalillo County Metropolitan Court	Fourth floor corridor access to public restroom, judge's chambers, and stairwell; has submitted agency ICIP	\$630.5
	Fourth floor addition of (1) courtroom; has submitted agency ICIP	\$1,654.9
	Sub Total	\$2,285.4
Total Capital		\$7,050.2

FY 2015 JUDICIARY SPECIAL & SUPPLEMENTAL REQUESTS

	Amount Requested		
	Gen Fund	Other State Funds	
Special Appropriations			Description
Administrative Office of the Courts	\$374.0		Staff study and judicial weighted caseload study
	\$75.0		JPEC voter info regarding judicial retention
	\$982.0		Jury management program
	\$300.0		Video remote interpreting
		\$1,200.0	NMFA transfer to facility fund from bond guarantee fund
		\$140.0	Magistrate Court warrant enforcement (scanner, autodialer, and "customer queue")
	\$709.1		Purchase IT equipment, software, & vehicles for AOC, Magistrate Ct, 2nd JD, 3rd JD, and 9th JD.
Total Special Requests	\$2,440.1	\$1,340.0	
Supplemental Appropriations			
Administrative Office of the Courts	\$20.0		Needed for judges pro-tem fund
	\$150.0		Court appointed attorney
	\$600.0		Jury (300.0) for fee & prior year shortfall, interpreters (300.0) for costs
	\$400.0		Tax payments to vendor for Magistrate Court retrofit work
Total Supplemental Requests	\$1,170.0		
Data Processing			
Administrative Office of the Courts		\$248.0	Cyber security enhancements
		\$195.0	Citizen web portal for consolidation of all online services
		\$270.0	Statewide court active network implementation
		\$150.0	Odyssey interface with PeopleSoft
Total Data Processing Requests		\$863.0	
Grand Total	\$3,610.1	\$2,203.0	



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